

PENDING CLAIMS

Claims 1-27 are pending of which claims 1, 11 and 26 are independent. In the Office Action, claims 1-3, 6, 11-13, 16 and 21-27 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Mital (U.S. Pat. No. 5,903,652). Claims 4, 5, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mital in view of Scholl et al. (U.S. Pat. No. 5,742,762). Claims 7-10 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Breen et al. (U.S. Pat. No. 6,598,027) in view of Scholl et al. These rejections are respectfully traversed for the reasons stated below.

REJECTION UNDER 35 USC § 102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed invention. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-3, 6, 11-13, 16 and 21-27 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Mital. Claim 1 recites, “transforming the [requested] information [from the merchant web site] into the predetermined communication protocol and

predetermined display format that is suitable for the client device.” Mital fails to teach transforming the information into the predetermined display format that is suitable for the client device.

The rejection states that Mital discloses, in column 10, lines 36-47, transforming the order request into protocol and format suitable for the customer computer and, in column 8, line 66-column 9, line 4, sending order receipt information back to the customer computer. In the passage cited in column 10, Mital discloses that the gateway computer 206 translates messages between the protocol of the WAN 202 and the protocol of the LAN 208 in order to establish connections among merchant computers 108 and consumer computers 100. Mital, however, fails to teach that the gateway computer 206 or any other computers transform requested information from a merchant website into a predetermined display format that is suitable for a client device.

In the passage cited in columns 8 and 9, Mital discloses the merchant computer 108 receives confirmation of whether sufficient funds are available to pay for a desired transaction and sends a receipt message to the consumer computer either denying or accepting the transaction specified in the purchase order message. Mital, however, does not teach transforming requested information from a merchant web site. The receipt message of Mital is not requested. Instead, the receipt message is generated based on whether sufficient funds are available to pay for a desired transaction. Mital also does not teach the receipt message is transformed into the predetermined display format that is suitable for the client device.

On page 6 of the Office Action, the Examiner further alleges (citing column 10, lines 36-67 of Mital) that Mital discloses gateways 206 and 216 for translating messages between networks into the appropriate protocol and format to establish connections. The Applicants

are unable to find any disclosure in Mital that teaches translating messages into an appropriate format as alleged by the Examiner. Furthermore, as stated above, Mital discloses that the gateway computer 206 translates messages between the protocol of the WAN 202 and the protocol of the LAN 208 in order to establish connections among merchant computers 108 and consumer computers 100. Mital, however, fails to teach that the gateway computer 206 or any other computers transform requested information from a merchant website into a predetermined display format that is suitable for a client device. A protocol transformation by a gateway computer does not require a change in display format. For example, a wireless device may communicate using a wireless application protocol (WAP), and another device may communicate using an HTTP protocol. Conversion between these protocols may encompass converting packets from one protocol to another. However, converting the communication protocol does not necessarily require changing the display format of information transmitted in the packet. Accordingly, Mital fails to teach all of the features contained in claims 1-10, and thus, these claims are believed to be allowable.

Independent claim 11 recites a mediator configured to transform “the product information into a plurality of communication protocols and display formats.” Independent claim 26 recites, “Means for transforming the product information into a predetermined communication protocol and predetermined display format that is suitable for the client device.” As described above, Mital fails to teach transforming product information from a merchant into a plurality of display formats or into a predetermined display format. Thus, claims 11-20 and 24-27 are believed to be allowable.

The 102 rejection failed to address any of the features of dependent claims 21-25. According to an embodiment of the Applicants’ disclosure, a mediator 130 is provided for an online shopping system. The mediator 130 receives product information requests from a

client device. In one example, the client device generates a product information request based on a virtual identifier associated with the product. The client device may receive the virtual identifier from a source, such as shown in figure 2, by passive interrogation. Also, the virtual identifier may be provided in scannable code. The client device transmits the product information request, which may include the virtual identifier, to the mediator 130, which in turn transmits the request to the corresponding merchant web site. Then, the mediator 130 receives the requested product information from the merchant web site, converts the information to a protocol and display format suitable for the client device, and transmits the product information to the client device.

Claim 21 recites receiving a request for a web page from the client device, wherein the request includes a request for product information from the merchant web site. Claim 24 recites a mediator configured to receive a request for the product information from a client device and transmit the request to a website for the merchant. Mital fails to teach or suggest a mediator receiving a request for product information.

Claim 22 recites a virtual identifier of the merchant web site is determined by passively interrogating a source. Claim 23 recites a virtual identifier of the merchant web site is determined by scanning readable code. Claim 25 recites a virtual identifier is provided by actively or passively interrogating a source within a predetermined range of the client device. None of these features are taught or suggested by Mital. Thus, claims 21-25 are believed to be allowable. Furthermore, because Mital fails to teach each and every feature of claims 11-20 and 24-27, the rejection is improper and finality must be withdrawn.

REJECTIONS UNDER 35 USC § 103

Claims 4, 5, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mital in view of Scholl et al. Claims 4 and 5 are dependent on independent claim 1, and claims 14 and 15 are dependent on independent claim 11. Thus, claims 4, 5, 14 and 15 are believed to be allowable based at least on their dependencies of respective independents claims. In addition, it would not have been obvious to combine Scholl et al. with Mital because the references are unrelated. Scholl et al. is directed to network management software and Mital is directed to a secure e-commerce system. Thus, claims 4, 5, 14 and 15 are believed to be allowable.

Claims 7-10 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Breen et al. in view of Scholl et al. Claims 7-10 are dependent on independent claim 1 and claims 17-20 are dependent on independent claim 11. Thus, claims 7-10 and claims 17-20 are believed to be allowable for at least the reasons claims 1 and 11 are believed to be allowable.

If the Examiner intended to combine the combination of Breen et al. and Scholl et al. with Mital to teach the features of claims 7-10 and 17-20, the rejection must provide motivation for combining Breen et al. and Scholl et al. with Mital. *See* MPEP § 706.02(j). The rejection, however, fails to provide motivation for combining Breen et al. and Scholl et al. with Mital. Thus, the rejection fails to establish a *prima facie* case of obviousness.

On page 6 of the Office Action in the Response to Arguments section, the Examiner states that the motivation to combine Mital, Breene et al., and Scholl et al. is that Scholl et al. discloses gateways that transform information to and from HTTP and HTML. The rejection of claims 7-10 and 17-20 on page 4 of the Office Action combines Breen et al. with Scholl et

al. to teach anonymous electronic commerce. However, no motivation is provided to combine the anonymous electronic commerce allegedly taught by Breen et al. with Mital. The features allegedly taught by Scholl et al. are irrelevant to the motivation to combine Breen et al. with Mital. Failure to provide motivation for combining Breen et al. with Mital results in failure to establish a *prima facie* case of obviousness.

In addition, it would not have been obvious to combine Breen et al. with Mital or Scholl et al. Breen et al. discloses using an intermediary to facilitate electronic auctions over a computer network. The intermediary, for example, initiates delivery of regulated goods to a winning bidder. *See* Breen et al., Abstract. Neither Mital nor Scholl et al. disclose an auction service. As described above, Scholl et al. is unrelated to ecommerce and is directed to a network management system. Mital et al. discloses an ecommerce service that audits secure transactions between consumer computers and merchant computers by storing information related to purchase orders from consumer computers. Mital, however, does not perform any services related to electronic auctions. Thus, it would not have been obvious to combine Breen et al. with Scholl et al. or Mital. Accordingly, claims 7-10 and 17-20 are believed to be allowable.

CONCLUSION


As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, the Applicants respectfully request issuance of a Notice of Allowability. If the undersigned attorney can assist in any matters regarding examination of this application, the Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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